



COUNCIL OF THE DISTRICT OF COLUMBIA

THE JOHN A. WILSON BUILDING 1350
PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

KENYAN R. McDUFFIE
Councilmember, At Large
Chair Pro Tempore
Chair, Committee on Business and
Economic Development

Committee Member
Executive Administration and Labor
Housing
Recreation and Youth Affairs

February 24, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Secretary Smith,

Today, I am introducing the Reparations Foundation Fund and Task Force Establishment Act of 2023, along with Councilmembers Trayon White, Sr., Anita Bonds, Robert C. White, Jr., Janeese Lewis George, Zachary Parker, Brianne K. Nadeau, Brooke Pinto, Charles Allen, and Vincent C. Gray. This introduction is intended to coincide with Reparations Awareness Day in DC on Saturday, February 25, 2023.¹

This legislation seeks to acknowledge and address centuries of government-sanctioned policies and private practices that exploited Black people as chattel property, violently robbed Black communities of generational wealth, and baked anti-Black racism into the core of our institutions and society. Now, the oft-cited racial wealth gap in DC is stark with the typical white household having a net worth that is 81 times greater (\$284,000) than the typical Black household (\$3,500).² Therefore, it will take government-sanctioned action to atone for enslavement and the lingering effects of structural racism.

The Reparations Foundation Fund and Task Force Establishment Act of 2023 would:

1. Establish a 9-member Reparations Task Force to study and develop reparation proposals for African Americans directly wronged and traumatized by the ills of slavery, Jim Crow, and structural and institutional racism;

¹The National Coalition of Blacks for Reparations in America (N'COBRA) first designated February 25 as a day to raise awareness on the issue of reparations for slavery in the early 1990s.

²Kijakazi, Kilolo, Rachel Marie Brooks Atkins, Mark Paul, Anne E. Price, Darrick Hamilton, and William A. Darity Jr. 2016. *The Color of Wealth in the Nation's Capital*. Durham, NC: Duke University; Washington, DC: Urban Institute; New York: The New School; Oakland, CA: Insight Center for Community Economic Development.

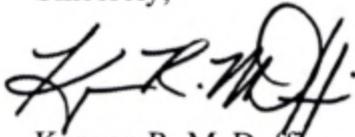
2. Require the Commissioner of the Department of Insurance, Securities, and Banking to establish a slavery era database of records relating to slaveholding which will subsequently be made available to the Reparations Task Force to aid in its study of reparations proposals; and,

3. Establish a Reparations Foundation Fund to be used for the payment of reparations under a program established pursuant to the findings and recommendations of the Reparations Task Force.

We do not live in a post racial society, and racial equality has not been achieved. If ever we are to achieve racial equity in this country, it will require an official recognition of the role of government-sanctioned slavery, segregation, and racism that denied wealth-building opportunities to Black people. We must be intentional in our efforts so that Black people might finally be compensated for their ancestors' labor and for the continuing effects of policies and systems designed to suppress their potential to build wealth.

Please contact my Legislative Director, Doni Crawford, at dcrawford@dccouncil.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "K. R. McDuffe". The signature is stylized and cursive.

Kenyan R. McDuffe

1 Trayon White
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3 Councilmember Trayon White, Sr.

K.R. McDuffie
Councilmember Kenyan R. McDuffie

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5 ANB
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7 Councilmember Anita Bonds

R.C. White, Jr.
Councilmember Robert C. White, Jr.

8
9 Zachary Parker
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11 Councilmember Zachary Parker

Janeese Lewis George
Councilmember Janeese Lewis George

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13 BE R
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15 Councilmember Brooke Pinto

Brianne K. Nadeau
Councilmember Brianne K. Nadeau

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17 Vincent C. Gray
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19 Councilmember Vincent C. Gray

Charles Allen
Councilmember Charles Allen

20
21
22 A BILL
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24 _____
25

26 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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31 To amend the Department of Insurance and Securities Regulation Establishment Act of 1996 to
32 require the Commissioner of the Department of Insurance, Securities, and Banking to
33 establish by a time certain a slavery era database of records relating to slaveholding; to
34 establish the Reparations Foundation Fund to provide funds for reparations that may be
35 distributed to certain District residents, and to establish the Reparations Task Force to
36 study and develop reparation proposals for African Americans whose ancestors suffered
37 as a result of the institution of slavery.

38
39 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
40 act may be cited as the "Reparations Foundation Fund and Task Force Establishment Act of
41 2023".
42

43 Sec. 2. The Department of Insurance and Securities Regulation Establishment Act of
44 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-101 *et seq.*), is
45 amended by adding a new section 5a to read as follows:

46 “Sec. 5a. Slavery era database.

47 “(a) The Commissioner shall request and obtain information from insurers licensed and
48 doing business in the District of Columbia (“insurer”) regarding any records of slaveholder
49 insurance policies issued by the insurer or any predecessor insurer during the slavery era and
50 require all insurers to research and report to the Commissioner on insurance policies that
51 provided coverage for injury to, or death of, enslaved people.

52 “(b) Within 180 days of the effective date of Reparations Foundation Fund and Task
53 Force Establishment Act of 2023, as introduced on _____ (Bill 25-___) (“Reparations
54 Act”), the Commissioner shall have established, and continue to maintain, a slavery era database
55 that includes all records made available to the Department pursuant to subsection (a) of this
56 section.

57 “(c) Upon request of the Reparations Task Force, established by section 4 of the
58 Reparations Act, the Commissioner shall make the slavery era database available to the
59 Reparations Task Force to aid it in its study of reparations proposals.

60 (d) For the purposes of this section, the term:

61 (1) “Reparations” means the compensation, restitution, or economic redress
62 provided to eligible recipients directly wronged and traumatized by the ills of slavery, Jim Crow,
63 and structural and institutional racism.

64 (2) “Slavery era” means the period from 1619 through 1865.”.

65 Sec. 3. (a) There is established as a special fund, the Reparations Foundation Fund (“RF
66 Fund”), which shall be administered by the Chief Financial Officer of the District of Columbia in
67 accordance with subsections (c) and (d) of this section.

68 (b) Revenue from the following sources shall be deposited into the RF Fund:

69 (1) 0.5% of sales tax revenue collected annually under Chapter 20 of Title 47 of
70 the District of Columbia Official Code;

71 (2) 0.5% of revenue collected by the Department of Motor Vehicles in fees and
72 penalties;

73 (3) Appropriated funds;

74 (4) Gifts;

75 (5) Grants; and

76 (6) Donations.

77 (c) Except as provided in subsection (d) of this section:

78 (1) The money in the RF Fund shall be used for the payment of reparations under
79 a program established pursuant to the findings and recommendations of the Reparations Task
80 Force, established by section 4 (“reparations program”).

81 (2) The money deposited into the RF Fund but not expended in a fiscal year shall
82 not revert to the unassigned fund balance of the General Fund of the District of Columbia at the
83 end of a fiscal year, or at any other time.

84 (3) Subject to authorization in an approved budget and financial plan, any funds
85 appropriated in the RF Fund shall be continually available without regard to fiscal year
86 limitation.

87 (d) If by September 30, 2028, no reparations program has been established or
88 reparations otherwise distributed by the District, the RF Fund shall expire and of the monies in
89 the RF Fund:

90 (1) Fifty percent shall be deposited into the Child Trust Fund, established by
91 section 3 of the Child Wealth Building Act of 2021, effective February 18, 2022 (D.C. Law 24-
92 53; D.C. Official Code § 4-681.02); and

93 (2) Fifty percent shall be deposited into the Small Business Capital Access,
94 established by section 2375 of Small and Certified Business Enterprise Development and
95 Assistance Act of 2005, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 2-
96 218.75) ("CBE Act") to provide financial assistance under section 2375(b)(3) of the CBE Act.

97 Sec. 4. Reparations Task Force.

98 (a) There is established a Reparations Task Force ("Task Force") to:

99 (1) Study and develop reparation proposals for African Americans as a result of:

100 (A) The institution of slavery, including both the transatlantic and
101 domestic "trade" that existed from 1565 in colonial Florida and from 1619 to 1865, inclusive,
102 within the other colonies that became the United States, and that included the federal and state
103 governments, that constitutionally and statutorily supported the institution of slavery;

104 (B) The de jure and de facto discrimination against freed slaves and their
105 descendants from the end of the Civil War to the present, including economic, political,
106 educational, and social discrimination;

107 (C) The lingering negative effects of the institution of slavery and of the
108 discrimination on living African Americans today, and on society in the District and the United
109 States;

110 (D) The manner in which instructional resources and technologies are used
111 to deny the inhumanity of slavery and the crime against humanity committed against people of
112 African descent in the District and the United States;

113 (E) The role of Northern complicity in the Southern-based institution of
114 slavery;

115 (F) The direct benefits to societal institutions, public and private, including
116 higher education, corporate, religious, and associational; and

117 (G) The lingering effects of the institution of slavery and the matters
118 described in the preceding paragraphs on living African Americans in the District of Columbia;

119 (b) The Task Force shall:

120 (1) Identify, compile, and synthesize the relevant corpus of evidentiary
121 documentation of the institution of slavery that existed within the United States and the colonies
122 that became the United States from 1619 to 1865, inclusive. The Task Force's documentation
123 and examination shall include the facts related to:

124 (A) The capture and procurement of Africans;

125 (B) The transport of Africans to the United States and the colonies that
126 became the United States for the purpose of enslavement, including their treatment during
127 transport;

128 (C) The sale and acquisition of Africans as chattel property in interstate
129 and intrastate commerce;

130 (D) The treatment of African slaves in the colonies and the United States,
131 including the deprivation of their freedom, exploitation of their labor, and attempted destruction
132 of their culture, language, religion, and families;

133 (E) The extensive denial of humanity, sexual abuse, and chattelization of
134 persons;

135 (F) The federal and state laws that discriminated against formerly enslaved
136 Africans and their descendants who were deemed United States citizens from 1868 to the
137 present;

138 (G) The other forms of discrimination in the public and private sectors
139 against freed African slaves and their descendants who were deemed United States citizens from
140 1868 to the present, including redlining, educational funding discrepancies, and predatory
141 financial practices; and

142 (H) The lingering negative effects of the institution of slavery and the
143 matters described in this subsection on living African Americans who are descendants of persons
144 enslaved in the United States and on society at large.

145 (2) Recommend appropriate ways to educate the public of the Task Force's
146 findings.

147 (3) Recommend appropriate remedies based on the Task Force's findings
148 including:

149 (A) How the recommendations comport with international standards of
150 remedy for wrongs and injuries caused by the District, which include full reparations and special
151 measures, as understood by various relevant international protocols, laws, and findings;

152 (B) How the District will offer a formal apology on behalf of the people of
153 the District for the perpetration of gross human rights violations and crimes against humanity on
154 African slaves and their descendants;

155 (C) How District laws and policies that continue to disproportionately and
156 negatively affect African Americans as a group and perpetuate the lingering material and
157 psychosocial effects of slavery can be eliminated;

158 (D) How the resultant injuries can be reversed, including how to provide
159 appropriate policies, programs, projects, and recommendations to effect that reversal;

160 (E) How the form of compensation to African Americans, with a special
161 consideration for African Americans who are descendants of persons enslaved in the United
162 States, should be calculated;

163 (F) What form of compensation should be awarded, through what
164 instrumentalities, and who should be eligible for such compensation; and

165 (G) What other forms of rehabilitation or restitution to African
166 descendants are warranted and what form and scope those measures should take.

167 (c) The Task Force shall submit a written report of its findings and recommendations to
168 the Mayor and Council no later than one year after the date of the first meeting of the Task Force
169 held pursuant to section subsection (d)(6).

170 (d)(1) The Task Force shall consist of 9 members, appointed as follows:

171 (A) Five members, one of which shall be the Chair, shall be appointed by
172 the Mayor; and

173 (B) Four members, one of which shall be the Co-Chair, shall be appointed
174 by the Council;

175 (2) The Mayor's appointees shall include:

176 (A) One appointee from the field of academia that has expertise in civil
177 rights; and

178 (B) Two appointees from major civil society and reparations organizations
179 that have historically championed the cause of reparatory justice;

180 (3) No more than 4 appointees shall be Members of the Council.

181 (4) Members shall be drawn from diverse backgrounds to represent the interests
182 of communities of color throughout the District, have experience working to implement racial
183 justice reform, and, to the extent possible, represent geographically diverse areas of the District.

184 (5) The term of office for members shall be for the life of the Task Force. A
185 vacancy in the Task Force shall not affect the powers of the Task Force and shall be filled in the
186 same manner that the original appointment was made.

187 (6) The first meeting of the Task Force shall occur no later than June 1, 2024.

188 (7) Five members of the Task Force shall constitute a quorum.

189 (8) The Task Force shall elect a chair and co-chair from among its members.

190 (9) Subject to an appropriation for the purpose, members of the Task Force shall
191 be entitled to per diem compensation and reimbursement of expenses for up to 12 meetings.

192 (c)(1) The Task Force shall have the authority to:

193 (A) Hold hearings and sit and act at any time and location in the District;

194 (B) Request the attendance and testimony of witnesses;

195 (C) Request the production of books, records, correspondence,
196 memoranda, papers, and documents; and

197 (D) Seek an order from a Superior Court compelling testimony or
198 compliance with a subpoena.

199 (2) Any subcommittee or member of the Task Force may, if authorized by the
200 chair of Task Force, take any action that the Task Force is authorized to take pursuant to this
201 section.

202 (3) The Task Force may acquire directly from the head of any executive agency
203 available information that the Task Force considers useful in the discharge of its duties.

204 (4) All executive agencies shall cooperate with the Task Force with respect to
205 such information and shall furnish all information requested by the Task Force to the extent
206 permitted by law.

207 (5) The Task Force shall keep information received from an executive agency that
208 is confidential, as required by law.

209 (f) Subject to the appropriation of funds, the Task Force may:

210 (1) Appoint and fix the compensation of such personnel as the Task Force
211 considers appropriate;

212 (2) Employ administrative, technical, and legal assistance;

213 (3) Procure supplies, services, and property by contract in accordance with
214 applicable laws and rules; and

215 (4) Enter into contracts for the purposes of conducting research or surveys,
216 preparing reports, and performing other activities necessary for the discharge of the duties of the
217 Task Force with executive agencies, instrumentalities of the District, federal departments,
218 agencies, other instrumentalities, and private entities.

219 (g) Any reparation provided to pursuant to this act shall be in addition to and not in lieu
220 of any reparations provided at the federal level.

221 (h) The Task Force shall sunset after December 31, 2025 or after the report required by
222 subsection (c) of this section has been submitted.

223 Sec. 5. Fiscal impact statement.

224 The Council adopts the fiscal impact statement in the committee report as the fiscal
225 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
226 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

227 Sec. 6. Effective date.

228 This act shall take effect following approval by the Mayor (or in the event of veto by the
229 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
230 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
231 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
232 Columbia Register.